

MINUTE ITEM

22. (PROPOSED ANNEXATION BY THE CITY OF SANTA BARBARA - W. O. 2400.3.)

Following presentation to the Commission of Calendar Item 22 attached, a discussion was held, participated in by the members of the Commission and the following:

Deputy Attorney General John F. Hassler reported that on the basis of the testimony presented at the Council hearing by the Commission's expert witnesses, the action taken by the Council to proceed with the annexation was illegal, as in his opinion the City of Santa Barbara was bound to accept the testimony offered by the State. On this basis Mr. Hassler recommended that the Commission take further action.

Mr. Stanley Tomlinson, incumbent City Attorney of Santa Barbara, suggested that the Attorney General, as the law officer of the State, should proceed on his own motion on behalf of the State of California, particularly in matters of law, if he feels that the State is aggrieved, contending that there was no necessity for the Commission to make a recommendation to the Attorney General to proceed to litigate a highly controverted question of law. Mr. Tomlinson stated that a full transcript of the hearing by the City Council was being prepared and that this should be studied by both the State Lands Commission and the Attorney General when ready and particularly before taking any action.

The Chairman pointed out that the Commission is guided on questions of law by the recommendations of the Attorney General, and asked Mr. Hassler for his opinion on the possibility of having the Attorney General proceed without a directive from the Commission. In reply Mr. Hassler said that the Attorney General had authority for proceeding in an action in quo warranto, but generally would not undertake any independent action unless requested by an affected agency. Reference was made to two annexation ordinances passed by the City of Santa Barbara, one an emergency measure effective immediately, and the other, a regular measure, to be effective in thirty days. The Commission was informed of the office policy of the Attorney General to test existing ordinances by proceedings in quo warranto and to test any pending ordinance by a mandamus or certiorari proceeding.

Mr. John T. Rickard, former Mayor of Santa Barbara, replied to District Attorney Vern Thomas of Santa Barbara that he was appearing as a private citizen. Mr. Rickard stated that the Santa Barbara annexation was effective and valid, and suggested that a quo warranto proceedings would be the only proper action to test the annexation. It was recommended that before any action was taken the Commission should read the transcript which is being prepared of the annexation hearing.

District Attorney Vern Thomas of Santa Barbara County stated that waiting for a transcript would only occasion further delay, and concurred in the position of the Attorney General. Action by the County of Santa Barbara authorizing cooperation with the State in any test of the annexation proceedings, was reported.

State Senator John J. Hollister, Jr., recommended that the State should proceed with any review required to protect the State interest.

Assemblyman James L. Holmes requested that the record show that in his opinion, in consideration of the valuation of the subject land used by the State, if the land is offered for lease it must be leased as "proven" land and not as "wildcat" land.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO REQUEST THE ATTORNEY GENERAL TO TAKE WHATEVER ACTION IS NECESSARY IN HIS OPINION TO PROTECT THE INTERESTS OF THE STATE IN CONNECTION WITH THE ANNEXATION MADE BY THE CITY OF SANTA BARBARA OF STATE-OWNED TIDE AND SUBMERGED LANDS.

Attachment

Calendar Item 22 (2 pages)

CALENDAR ITEM

SUPPLEMENTAL

22.

(PROPOSED ANNEXATION BY THE CITY OF SANTA BARBARA - W. O. 2400.3.)

At the meeting of the State Lands Commission on May 13, 1957 (Minute Item 21, pages 3162-71), the Commission authorized the Executive Officer to appear before the Council of the City of Santa Barbara at a hearing on May 23, 1957 and oppose the annexation on the grounds that:

- A. The State of California is the owner of over fifty percent of the value of the lands proposed to be annexed; and
- B. The annexation will be against the interests of the State.

At the hearing the State contended that the area of tide and submerged lands has more than one-half the total value of the area proposed to be annexed. This contention was based on an estimated value of \$40,000,000 in possible future oil royalties to the State.

This view was disputed by two consulting geologists for the City. Each said that they could place only nominal value on prospective but unproven tracts, even if drilling were permitted. Both consultants admitted that they had not had access to geological and geophysical data obtained in the offshore area.

Pacific Gas Lighting Supply Company, as well as representatives of some unincorporated areas in the vicinity, presented affidavits designed to show that there are more than twelve registered voters, including those residing on campus of the University of California, Santa Barbara College. The Council ended the discussion with a finding that there were less than twelve voters residing in the area at the time of the annexation.

The Pacific Gas Lighting Supply Company protested the valuation placed upon that portion of the subsurface gas reservoir included in the proposed annexation. Also, the County of Santa Barbara protested the annexation as owner of Hollister Avenue, which runs through the local airport.

An appraiser employed by the City made the following value determinations on the area to be annexed:

<u>Property Owners</u>	<u>Appraised Value</u>
Municipal Airport	\$5,121,000
Tide and Submerged Lands	1,600,000
University of California Property	28,000
Annexed Portion of Pacific Lighting Reservoir	782,930*

*Valuation made by the City's Administrative Assistant

SUPPLEMENTAL 22. (CONTD.)

The City accepted the appraisals as determined by their appraiser, and by unanimous vote passed an emergency ordinance annexing to Santa Barbara the offshore sanctuary area and the municipal airport.

The Mayor then invited anyone who wished to be heard to present their views. A number of representatives from unincorporated areas in the vicinity expressed views opposing the annexation. Following this a resolution was passed concluding the proceedings.